IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 15099 of 2004

Between:

Mohd.Abdul Moid, S/o Late Md.Abdul Qayyum,
R/o Bhainsa, Adilabad District

..... PETITIONER

AND

1 The APSRTC, rep.by its Managing Director, Musheerabad, Hyderabad
2 The Regional Manager, APSRTC, Adilabad Region, Adilabad District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus, not considering the claim of the petitioner for appointment as Conductor/Shramik or any other suitable post under Bread Winner Scheme is illegal, arbitrary and contrary to the law laid down by the Hon'ble Supreme Court and consequently direct the respondents to appoint the petitioner as Conductor/Shramik or any other suitable post under Bread Winner Scheme.

Counsel for the Petitioner: MR.S.A.K.MYNUDDIN

Counsel for the Respondent Nos.1 and 2: Smt. G.JYOTHIKIRAN.

The Court made the following:

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ORDER:

The petitioner represents that he is the son of a deceased employee of the respondent Corporation, by name Md.Abdul Qayyum, who died in harness on 14.08.2002 while in service as a Conductor. The petitioner, being the son of the deceased employee, made representations to the respondents on 19.10.2002 and 02.12.2003, requesting to appoint him in the respondent Corporation under Bread Winner Scheme, introduced through the Circular instructions No.PD-72/99, dated 02.08.1999, PD.100/99, dated 10.11.1999, PD.30/2000, dated 05-05.2000 and PD.60/2003, dated 30.07.2003.

2. The grievance of the petitioner is that his application, dated 20.08.2002, was returned, by mentioning that there are no chances of recruitment of drivers and conductors, and the petitioner is directed to apply for monetary benefit of Rs.1,00,000/- in lieu of employment. The 2nd respondent also addressed a letter, dated 26.10.2002, to the mother of the petitioner, in response to her application, dated 19.10.2002, seeking employment to her son under Bread Winner Scheme, informing that the appointment of dependents of deceased employees under Bread Winner Scheme is banned in the Corporation as per the instructions received from the Head Office.

3. As seen from the Circulars of the 1st respondent dated 02.08.1999 and 30.07.2003, the appointments under Bread Winner Scheme are exempted from the ban. But as per the Circular dated 30.07.2003, the 2nd respondent has to obtain prior and written approval of the 1st respondent before making appointment of eligible dependents of the employees, who died in harness, for appointment against the sanctioned vacancies of Drivers Grade-II, Conductors Grade-II and Shramiks under Bread Winner Scheme.

4. The grievance of the petitioner is that the 2nd respondent did not properly consider his request for appointment under Bread Winner Scheme. Therefore, he approached this Court, seeking a direction to the 2nd respondent to pass orders on his representation, dated 02.12.2003.

5. In the light of the Circular instructions, the 2nd respondent is directed to consider the request of the petitioner for appointment, under Bread Winner Scheme, depending upon the availability of the vacancies, and pass appropriate orders as per Rules and Circulars in force, within two months from the date of receipt of a copy of this order.

6. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr/svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Regional Manager, APSRTC,

Adilabad Region, Adilabad District

3. Two CD copies.